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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,207	04/02/2001	William K. Meade II	10002844-1	2700

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EXAMINER

PHAM, THIERRY L

ART UNIT PAPER NUMBER

2624

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/825,207	MEADE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thierry L. Pham	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

- This action is responsive to the following communication: an Amendment filed on 2/25/05.
- Claims 1-37 are pending in application, wherein claims 23-37 are newly added.

#### ***Claim Objections***

Claim 36 is objected to because of the following informalities: page 9, claim 36, lines 1-2 contains blurred text and is unreadable by the examiner. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 29 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 29 includes limitation "when the printing device is installed on a host computer" which does not support by original filed specification. Printing device and a host computer are both a separate device and cannot be incorporated together, and original written disclosure does not provide any adequate support for such modification.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20, 22-24, 26-34, 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benjamin et al (US 6113208), and in view of Salgado et al (US 20020067504).

Regarding claim 1, Benjamin discloses a method, comprising:

- retrieving software update information (retrieving printer driver software update information from memory 20, fig. 4, cols. 3-4) from component memory (memory device 20, fig. 3) of a printing device replaceable component (ink cartridge contains memory device 20, fig. 3);
- validating authority (notifying users of updated/newer version of printer driver, fig. 4) to download a software update identified by the software update information (downloading updated/newer version of printer driver, col. 4, col. 1-20); and
- upon validation, facilitating a download (downloading updated/newer version of printer driver, fig. 4, cols. 3-4) of the software update utilizing the software update information from the component memory.

Benjamin discloses a printer driver can be downloaded automatically without user's intervention and/or manually downloaded by users, but fails to teach and/or suggest wherein the validation comprises determining if a verification indicator has been pre-set.

Salgado, in the same field of endeavor for download/upgrading new printer driver, teaches the validation comprises determining if a verification indicator has been pre-set (level of user interaction in the upgrade process can be adjusted to fit the preferences of the user, for example, automatically downloads and installs new driver without user interface or requires user's approval prior for downloading and installing new updates, abstract, pars. 9-11 and pars. 25-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made by modifying print system of Benjamin to include a method for pre-set and/or authorize validation prior to download new driver updates as taught by Salgado because of a following reason: (•) by pre-authorized validation of downloading new updates software automatically (i.e. downloading and installing new updates without user's intervention) saves times and costs, and to improve printer's performance.

Therefore, it would have been obvious to combine Benjamin with Salgado to obtain the invention as specified in claim 1.

Regarding claim 2, Benjamin further discloses the method as recited in claim 1, wherein the validating further comprises producing a user prompt requesting authorization (requesting users to download new version of printer driver, fig. 4, cols. 3-4) to download the software update and validating that authority has been granted to download the software update if the user responds in the affirmative to the user prompt.

Regarding claim 3, Benjamin further discloses the method as recited in claim 1, wherein the validating further comprises determining if a verification indicator is set in memory (memory 20 contains a program code for comparing updated/new version with old version, cols. 3-4) of the printing device and validating that authority has been granted to download the software update if the verification indicator is set (fig. 4, cols. 3-4).

Regarding claim 4, Benjamin further discloses the method as recited in claim 1, wherein the validating further comprises determining if a verification indicator is set in memory of a host computer (memory 12 and host processor 10, fig. 3, also, new printer driver can be downloaded automatically, col. 4, lines 5-20) connected to the printing device and validating that authority has been granted to download the software update if the verification indicator is set.

Regarding claim 5, Benjamin further discloses the method as recited in claim 1, wherein the validating further comprises accessing a remote site (accessing manufacture's website, col. 4, lines 1-20) and determining if a verification indicator is set at the remote site and validating that authority has been granted to download the software update if the verification indicator is set.

Regarding claim 6, Benjamin further discloses the method as recited in claim 1, wherein the authority to download the software update is provided at the time the printing device (printer, fig. 4, cols. 3-4) is installed.

Regarding claim 7, Benjamin further discloses the method as recited in claim 1, wherein the facilitating further comprises downloading the software update from the component memory (downloading from manufacture's website, col. 4, lines 1-20).

Regarding claim 8, Benjamin further discloses the method as recited in claim 1, wherein the facilitating further comprises accessing a pointer in the software update information and accessing a site referenced (manufacture's website, cols. 3-4) by the pointer to locate and download the software update.

Regarding claim 9, Benjamin further discloses the method as recited in claim 1, wherein the facilitating further comprises accessing a telephone number (telephone number, fig. 4, cols. 3-4) of a remote access site in the software information and utilizing the telephone number to locate and download the software update.

Regarding claim 10, Benjamin further discloses the method as recited in claim 1, wherein the facilitating further comprises accessing a telephone number of a vendor site in the software information and facilitating display of the telephone number to a printing device user (telephone number, fig. 4, cols. 3-4), wherein the user can call the telephone number to order the software update.

Regarding claim 11, Benjamin further discloses the method as recited in claim 1, wherein the facilitating further comprises accessing a universal resource locator (URL) in the software information and facilitating display of the URL to a printing device user, wherein the user can manually access the URL to order the software update (manufacture's website URL, fig. 4, cols. 3-4).

Regarding claim 12, Benjamin further discloses the method as recited in claim 1, wherein the facilitating further comprises accessing a printable form (order form, col. 4, lines 20-40) using the software information and causing the form to be printed on the printing device, wherein the user can complete the form and send it to a vendor to order the software update.

Regarding claim 13, combinations of Benjamin and Salgado further discloses a printing device (printer, fig. 1), comprising: a replaceable component (ink cartridge, fig. 3); component memory integrated into the replaceable component (memory 20 within ink cartridge, fig. 3); and software update information stored in the component memory (memory 20 contains information of printer driver, cols. 3-4), the software update information including information to determine if there is an update available for the printing device (determining if updated/newer version are available for download, fig. 4, cols. 3-4) and for initiating a software update upon pre-authorization (as taught by Salgado) from a printing device user. Please refers to claim 1 for more details.

Regarding claim 14, Benjamin further discloses the printing device as recited in claim 13, wherein the software update information for initiating a software update further comprises means to display a message to the user that indicates how the user can obtain the software update (displays websites and phone numbers, fig. 4, cols. 3-4).

Regarding claim 15, Benjamin further discloses the printing device as recited in claim 13, wherein the software update information for initiating a software update further comprises a pointer to an Internet site (manufacture's websites, fig. 4, col. 4, lines 1-20) that may be provided to a browser of a host computer connected to the printing device so that the host computer can access the pointer and download the software update from the site.

Regarding claim 16, Benjamin further discloses the printing device as recited in claim 13, wherein the software update information for initiating a software update further comprises a pointer that may be provided to an embedded web server (automatically downloading updated/newer version of printer driver by printer device, col. 1, lines 1-20) in the printing device so that the printing device can access the pointer and download the software update from the site.

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Regarding claim 17, Benjamin further teaches the printing device as recited in claim 13, wherein the printing device is a laser printer and the replaceable component is a toner cartridge (ink cartridge, fig. 2). Laser printer is widely available and known in the art.

Regarding claim 18, Benjamin further discloses the printing device as recited in claim 13, wherein the printing device is an inkjet printer (printer, fig. 1, cols. 3-5) and the replaceable component is a toner cartridge (ink cartridge, fig. 3).

Regarding claim 19, combinations of Benjamin and Salgado further discloses a toner cartridge (ink cartridge, fig. 3) comprising: a housing (housing 14, fig. 3); a toner reservoir (reservoir 15, fig. 3); a memory tag (memory 20, fig. 3); and software update information (updating/downloading printer's software, fig. 4, cols. 3-4) stored in memory tag that is retrieved by the laser printer automatically and utilized to update software on the laser printer after obtaining pre-authorized authorization (pre-authorization is taught by Salgado, please refer to claim 1 for more details) from a laser printer user. Please also notes: laser printer is widely available and known in the art.

Regarding claim 20, Benjamin further discloses the toner cartridge as recited in claim 19, wherein the software update information is utilized to update software in a host computer connected (host computer, fig. 3) to the laser printer.

Regarding claim 22, Benjamin further discloses the toner cartridge as recited in claim 19, the software update information including a version number that indicates the latest version of software available for the laser printer (fig. 3, cols. 3-4) and a pointer to a location (i.e. URL address, col. 4) that stores the latest version of the software available for the laser printer.

Regarding claim 23, Benjamin discloses a method, comprising:

- installing (installing new cartridge, fig. 4) a replaceable component into a printing device (ink cartridge contains memory device 20, fig. 3), wherein the replaceable component comprises a memory tag and update information stored in the memory tag;



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- determining whether a software update (notifying users of updated/newer version of printer driver, fig. 4) is necessary responsive to the update information stored in the memory tag;
- transmitting an update request to request the software update (request to downloading updated/newer version of printer driver, fig. 4, cols. 3-4);
- responsive to the update request, determining whether a verification indicator authorizing the software update is stored in memory (manually and/or automatically updates new drivers, fig. 4, cols. 3-4);
- if the verification indicator is stored in memory, locating (fig. 4, cols. 3-4) the software update using the update information and downloading the software update; and
- if the verification indicator is not stored in memory, providing a user a means to authorize the software update (requires user's approval before downloading, fig. 4, cols. 3-4).

Benjamin discloses a printer driver can be downloaded automatically without user's intervention and/or manually downloaded by users, but fails to teach and/or suggest wherein the validation comprises determining if a verification indicator has been pre-authorized.

Salgado, in the same field of endeavor for download/upgrading new printer driver, teaches the validation comprises determining if a verification indicator has been pre-set (level of user interaction in the upgrade process can be adjusted to fit the preferences of the user, for example, automatically downloads and installs new driver without user interface or requires user's approval prior for downloading and installing new updates, abstract, pars. 9-11 and pars. 25-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made by modifying print system of Benjamin to include a method for pre-set and/or authorize validation prior to download new driver updates as taught by Salgado because of a following reason: (•) by pre-authorized validation of downloading new updates software automatically (i.e. downloading and installing new updates without user's intervention) saves times and costs, and to improve printer's performance.

Therefore, it would have been obvious to combine Benjamin with Salgado to obtain the invention as specified in claim 23.

Regarding claim 24, Benjamin further discloses the method of claim 23, wherein the replaceable component comprises a toner cartridge (ink cartridge, figs. 3-4).

Regarding claim 26, Benjamin further teaches the method as recited in claim 23, wherein locating the software update comprises determining whether the update information (whether new version is available or not, fig. 4, cols. 3-4) stored in the memory tag includes an entirety of the software update, wherein if the update information includes the entirety of the software update, downloading the software update from the memory tag, and if the update information does not include the entirety of the software update, locating the software update, at least in part, responsive to a pointer to the software update (locating and downloading update drivers from internet website, fig. 4, cols. 3-4). Also see Salgado (fig. 4, pars. 23-27 for more details about downloading and installing new updates).

Regarding claim 27, Benjamin further teaches the method as recited in claim 23, wherein providing a user a means to authorize the software update includes displaying (displaying via display screen 44, fig. 4) a request for authorization on a display and providing a prompt for authorizing the software update (provides instructions and approval request for downloading new updates, fig. 4, cols. 3-4).

Regarding claim 28, Salgado further teaches the method as recited in claim 23, further comprising storing the verification in memory to pre-authorize (level of user interaction in the upgrade process can be adjusted to fit the preferences of the user, for example, automatically downloads and installs new driver without user interface or requires user's approval prior for downloading and installing new updates, abstract, pars. 9-11 and pars. 25-27) subsequent update request.

Regarding claim 29, Salgado further teaches the method as recited in claim 28, wherein storing the verification indicator in memory (level of user interaction in the upgrade process can be adjusted to fit the preferences of the user, for example, automatically downloads and installs new driver without user interface or requires user's approval prior for downloading and installing

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new updates, abstract, pars. 9-11 and pars. 25-27) is performed when the printing device is installed on a host computer.

Regarding claim 30, Benjamin further teaches the method as recited in claim 28, wherein storing the verification in memory includes accessing a remote site (fig. 4) through the internet and storing the verification indicator at the remote site (please see Salgado regarding storing pre-authorize, pars. 9-11 and pars. 25-27).

Regarding claims 31-32 recite limitations that are similar and in the same scope of invention as to those in claim 23 above; therefore, claims 31-32 are rejected for the same rejection rationale/basis as described in claim 23.

Regarding claims 33-34, and 36-37 recite limitations that are similar and in the same scope of invention as to those in claims 23-24, and 26 above; therefore, claims 33-34, and 36-37 are rejected for the same rejection rationale/basis as described in claims 23-24, and 26.

Claims 21, 25, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benjamin and Salgado as described in claims 19, 23, 33 above, and further in view of Cromer et al (U.S. 6177860).

The combinations of Benjamin and Salgado do not expressly teach the memory tag that incorporated within the toner cartridge is a radio frequency identification (RFID) memory tag.

Cromer, in the same field of endeavor, teaches radio frequency identification (RFID) memory tag (cols. 3-4).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Benjamin and Salgado as per teachings of Cromer by replacing a memory device with a RFID memory tag because of a following reason: (●) RFID memory tag can be access without the need for AC power (col. 4, lines 1-20).

Therefore, it would have been obvious to combine Benjamin and Salgado with Cromer to obtain the invention as specified in claims 21, 25, and 35.

### *Response to Arguments*

Applicant's arguments, see pages 10-11, filed 2/25/05, with respect to the rejection(s) of claim(s) 1, 13, and 19 under 102(a) and 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art reference (US 2002006754) due to newly added limitations "pre-authorized validation request" as cited in claims 1, 13, and 19.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

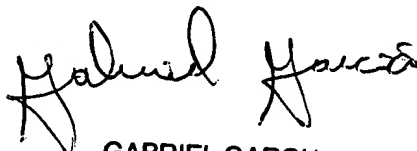
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 2727439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham



GABRIEL GARCIA  
PRIMARY EXAMINER